

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NICHOLAS HANSEN,

Plaintiff

v.

THEODOR SCHAEFER, et al.,

Defendants

Case No.: 2:19-cv-02234-APG-BNW

**Order Granting Summary Judgment in
Favor of Defendant Lombardo**

In my prior order on summary judgment, I noted that it is unclear from the complaint whether plaintiff Nicholas Hansen is suing defendant Joe Lombardo in his individual capacity, his official capacity, or both. ECF No. 91 at 7. I thus directed the parties to file supplemental briefs regarding in what capacity Hansen was suing Lombardo and how that impacted various defenses Lombardo raised. *Id.* at 8. Lombardo filed a supplement arguing, among other things, that Hansen failed to comply with the claims notice statute in Nevada Revised Statutes (NRS) § 41.036(2). Despite being given an extension of time, Hansen did not file a supplement. *See* ECF No. 107.

Because Hansen did not respond, he has not articulated that he sued Lombardo in an official capacity. I previously granted Lombardo summary judgment on all claims against him in his individual capacity, so there are no claims remaining against Lombardo. Even if Hansen was suing Lombardo in his official capacity, Hansen did not comply with NRS § 41.036(2), which requires a person to notify the Las Vegas Metropolitan Police Department (LVMPD) of a claim against it within two years after the claim accrues. This incident took place on August 15, 2017, and the bulletin about which Hansen complains is dated August 16, 2017. *See, e.g.*, ECF No. 58-2 at 1, 303. There is no evidence that Hansen notified LVMPD of his claims within two years.

1 Even assuming serving Lombardo could fulfill NRS § 41.036(2)'s requirement, he was not
2 served until more than two years later on December 9, 2019. ECF No. 5.

3 I THEREFORE ORDER that summary judgment is granted in favor of defendant Joe
4 Lombardo and against plaintiff Nicholas Hansen. The clerk of court is instructed to enter final
5 judgment consistent with this order and my prior orders at ECF Nos. 90, 91, and to close this
6 case.

7 DATED this 26th day of September, 2022.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE